

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1226 OF 2006

Alibag Municipal Council ..Petitioner.

Vs.

Puvil Karunakaran Sunilkumar & anr. ..
Respondents.

....

Mr. C.G. Gavnekar for the Petitioner.

CORAM: DR.D.Y.CHANDRACHUD, J.

10th April, 2006.

P.C. :

Since the original Plaintiff was admittedly in settled possession, the Learned Trial Judge has granted an interim injunction restraining the Petitioner from dispossessing the Plaintiff till the final disposal of the suit. The First Appellate Court has noted that the Municipal Council has in fact issued a municipal licence in accordance with law. That being the position, it would appear from paragraph 12 of the judgment of the Trial Court that the employees of the Municipality had forcibly sealed the premises of the shop on 29th January, 2004. Obviously, the Municipal Council cannot take recourse to coercive measures of that nature and it is necessary for the Council to take recourse to such

remedies as are available in law. Hence, no case for interference is made out under Article 227. In the facts and circumstances of the case, the trial of the suit is expedited and the learned Trial Judge is requested to dispose of the suit preferably by the end of the year 2006. Petition dismissed.